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BEFORE THE ARIZONA CORPORATION

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COMMISSIONERS

GARY PIERCE - Chairman  
BOB STUMP  
SANDRA D. KENNEDY  
PAUL NEWMAN  
BRENDA BURNS

2011 JAN -5 P 2: 20

AZ CORP COMMISSION  
DOCKET CONTROL

IN THE MATTER OF:

DOCKET NO. S-20755A-10-0342

FIVE STAR CAPITAL MARKETS, LLC,  
a Nevada limited liability company,  
JAMES PICCOLO and MARY ELIZABETH  
PICCOLO, husband and wife,  
CRAIG COTTRELL, CRD# 4552833, and,  
ANDREA COTTRELL, husband and wife,  
CHARLEVOIX HOMES, LLC, an Arizona  
limited liability company,  
and  
MICHAEL ROBERTS, an unmarried man,  
RESPONDENTS.

Arizona Corporation Commission

DOCKETED

JAN 5 2011

DOCKETED BY

**FOURTH  
PROCEDURAL ORDER  
(Reschedules the Exchange  
of Documentation)**

BY THE COMMISSION:

On August 17, 2010, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against Five Star Capital Markets, LLC ("FSCM"), James Piccolo and Mary Elizabeth Piccolo, husband and wife, Craig Cottrell and Andrea Cottrell, husband and wife, Charlevoix Homes, LLC ("Charlevoix") and Michael Roberts, an unmarried man (collectively "Respondents"), in which the Division alleged multiple violations of the Arizona Securities Act ("Act") in connection with the offer and sale of securities in the form of notes and/or investment contracts.

The Respondents were duly served with copies of the Notice.

On August 25, 2010, a request for hearing was filed by Respondents, FSCM, James and Mary Elizabeth Piccolo, and Craig and Andrea Cottrell.

On August 27, 2010, by Procedural Order, a pre-hearing was scheduled on September 30, 2010.

1 On August 30, 2010, a request for hearing was filed by Respondent Michael Roberts.

2 On September 30, 2010, at the pre-hearing conference, the Division and the Piccolo and  
3 Cottrell Respondents appeared through counsel. Respondent Roberts appeared on his own behalf.  
4 The Respondents were discussing a possible settlement of the proceeding with the Division. In the  
5 interim, the Division requested that a hearing be scheduled on the allegations contained in the Notice.

6 On September 30, 2010, by Procedural Order, a hearing was scheduled to commence on  
7 January 24, 2011, and other procedural matters addressed.

8 On December 22, 2010, the Division filed a Motion requesting an extension of time for the  
9 parties to exchange their documentation from December 23, 2010, to January 13, 2011. The Division  
10 indicated that the Respondents are in agreement with its Motion.

11 Accordingly, the extension of time to exchange copies of Exhibits and Witness Lists should  
12 be granted.

13 IT IS THEREFORE ORDERED that a **hearing** shall be held on **January 24, 2011, at 10:00**  
14 **a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing Room 1, Phoenix,  
15 Arizona, as previously ordered.

16 IT IS FURTHER ORDERED that the parties shall also set aside **January 25, 26, 27, 28, 31**  
17 **and February 3, 2011, for additional days of hearing**, if necessary.

18 IT IS FURTHER ORDERED that that the **Division and Respondents shall exchange copies**  
19 **of their Witness Lists and copies of the Exhibits by January 13, 2011**, with courtesy copies  
20 provided to the presiding Administrative Law Judge.

21 IT IS FURTHER ORDERED that **if the case is resolved by proposed Consent Orders**  
22 **prior to the hearing, the Division shall file a Motion to Vacate the Proceeding.**

23 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
24 Communications) applies to this proceeding as the matter is now set for public hearing.

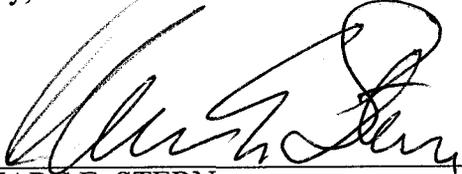
25 IT IS FURTHER ORDERED that withdrawal or representation must be made in compliance  
26 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
27 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances  
28 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is

1 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the  
2 Administrative Law Judge or the Commission.

3 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules  
4 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*  
5 *hac vice*.

6 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
7 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

8 DATED this 5<sup>TH</sup> day of January, 2011.

9  
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11   
12 MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

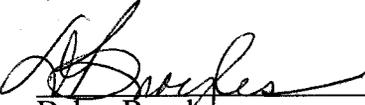
13 Copies of the foregoing mailed/delivered  
14 this 5<sup>th</sup> day of January, 2011 to:

15 Jeffrey C. Matura  
16 GRAIF BARRETT & MATURA, P.C.  
17 1850 North Central Avenue, Suite 500  
Phoenix, AZ 85004  
18 Attorney for Respondents Five Star Capital Markets, LLC,  
James Piccolo, Mary Elizabeth Piccolo, Craig Cottrell, and Andrea Cottrell

19 Michael Roberts  
8711 East Pinnacle Peak Road, #213  
Scottsdale, AZ 85525

20 Matt Neubert, Director  
21 Securities Division  
22 ARIZONA CORPORATION COMMISSION  
1300 West Washington Street  
Phoenix, AZ 85007

23 ARIZONA REPORTING SERVICE, INC.  
24 2200 North Central Avenue, Suite 502  
Phoenix, AZ 85004

25  
26 By:   
Debra Broyles  
27 Secretary to Marc E. Stern